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September 4, 2020

Via ECF

Honorable Judge Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl St
New York, NY 10007

Re: *Andre Francis v. National Railroad Passenger Corp.*
Civil Action No: 1:20-CV-01713-LGS

Dear Judge Schofield:

This office represents Defendant, National Railroad Passenger Corp., in the above captioned matter. This letter is submitted, jointly with counsel for Plaintiff, Sean Constable, Esq., of Flynn & Wietzke, P.C., to request a 60-day adjournment of all discovery deadlines in accordance with Your Honor's Order of September 2, 2020. This is the Parties' second request for its first extension of the discovery deadlines. Pursuant to the Order, this Court denied, without prejudice, the Parties' first request, directing that the Parties advise what discovery is outstanding.

To date, the Parties have exchanged Rule 26 Disclosures and medical records. The Parties also have exchanged responses to Interrogatories and Requests for Production of Documents. The outstanding discovery includes: (1) plaintiff's deposition; (2) one to two defense witness depositions; (3) possibly an IME of plaintiff; and (4) possibly retention of and exchange of expert disclosures. The parties are confident this discovery can be accomplished with a sixty (60) day extension of the current deadlines. The Parties have worked cooperatively to complete discovery. The Parties have worked diligently to obtain complete medical records despite that obtaining same has been somewhat hampered by Covid-19. Most importantly, the ability to conduct live depositions has been hampered due to restrictions associated with COVID-19. With that said, and with the Court's permission, the Parties have scheduled Plaintiff's deposition (to be conducted remotely) for October 1, 2020 and the depositions of defense witnesses also will be completed in October. Once depositions are completed, the Parties will evaluate the need for liability and/or medical experts. Following that, it is the Parties intention to engage in settlement discussions, perhaps, including requesting a settlement conference before the Magistrate Judge.

Based on the foregoing, the Parties' respectfully request a 60-day adjournment of all discovery deadlines as follows:

- Fact discovery, including depositions, currently scheduled for 9/1/2020, to **10/30/2020**;
- Expert discovery, currently scheduled for 10/16/2020, to **12/15/2020**;
- Pre-Motion Conference, currently scheduled for 10/30/20, to **12/29/2020 or 1/5/2021**.

Thank you for your attention and consideration to this request.

Respectfully submitted,
s/ John A. Bonventre, Esq.

cc: Sean Constable (*via ECF*)

Application GRANTED. The parties shall proceed with depositions, including by remote means, if necessary. If and when the parties would like a referral for a settlement conference, the parties shall file a joint letter request. An Amended Case Management Plan will issue separately.

Dated: September 8, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

